IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7209 OF 2005

Raibhan Ranoba Kadam & Ors. .. Applicants

Versus

State of Maharashtra

Mr.A.R.Shaikh for applicants

Mr.S.S.Tatkare, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 14th November 2005.

P.C.

. Criminal application No.317 of 2005 preferred by the applicants herein for anticipatory bail has been disposed of by the

first ad-hoc Additional Sessions Judge, Malegaon on 18th October 2005. He rejected the prayer made therein on the ground that during the pendency of anticipatory bail application, interim protection was granted but the applicants did not cooperate with the investigation, inasmuch as they did not attend the police station.

2. When this matter was placed earlier before this Court, applicants pointed out that the accdused have not violated the condition. In any event, this court protected the applicants on the condition that they attend police station every day from 4th November 2005 to 11th November 2005 between 9.00 a.m. and 4.00 p.m.. It is nobody’s case that the said condition has not been complied with.

3. In my view, interest of justice would be served if the interim protection granted by this

Court is continued and the application made for anticipatory bail before the sessions judge is revived and restored to file. Accordingly, criminal misc. application No.317 of 2005 is restored to file of sessions court to be decided afresh by the learned Judge after hearing both sides and in accordance with law. Needless to state that the learned sessions judge shall not be influenced by the observations made by him in the earlier order as well as the order granting interim protection passed by this Court. Interim protection granted by this Court to continue till the application is disposed of by the sessions court. Applicant No.3 being lady and mother of an infant shall not be required to attend police station.

(S.C.DHARMADHIKARI, J)